

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
FOLEY SQUARE, NEW YORK, NY

Judge Berman

AZHAR SAJAWAL
Plaintiff,

v.

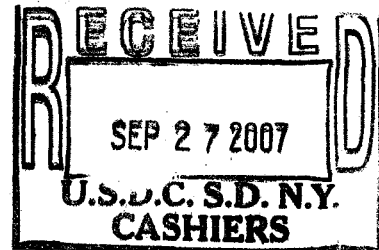
Michael Bernard Mukasey, United States
Attorney General; Michael Chertoff,
Department of Homeland Security Secretary;
Emilio T. Gonzalez, U.S. Citizenship and
Immigration Services Director; Andrea
Quarantillo; New York U.S. Citizenship
and Immigration Services District Director
Defendants.

07 CIV 8411
Case No.

USCIS Agency Case No.: A46964867

A Civil Action

COMPLAINT FOR
DECLARATORY, INJUNCTIVE,
AND MANDAMUS RELIEF



To the Honorable Judges of Said Court:

Plaintiff, Azhar Sajawal, through undersigned counsel, alleges as follows:

I. INTRODUCTION

1. This is a civil action brought pursuant to 8 U.S.C. § 1447, 28 U.S.C. § 1331 and 1361, 5 U.S.C. § 701, and 28 U.S.C. § 2201 *et. seq.* to redress the deprivation of rights, privileges and immunities secured to Plaintiff and to compel Defendants to perform a duty Defendants owe to Plaintiff.
2. Plaintiff files this action because the office of the United States Citizenship and Immigration Services ("USCIS") of the United States Department of Homeland Security ("DHS") in New York, NY has failed to make a determination regarding Plaintiff's Application for Naturalization for over 120 days since the naturalization examination was conducted. See 8 U.S.C. § 1447(b).
3. This action is brought to compel Defendants and those acting under them to take action on a Form N-400, Application for Naturalization, in order for Plaintiff to become a Naturalized Citizen of the United States. The Application was filed by Plaintiff with the USCIS in or about July 2004, more than 3 years ago. Plaintiff was interviewed by Immigration Officer Aasen on July 26, 2005 and successfully passed the English language, and U.S. history and government tests. To this day, over two years after the interview, Plaintiff still awaits the decision.
4. Plaintiff is eligible to have his Application adjudicated.
5. Defendants are charged by law with the statutory obligation to adjudicate this Application.

II. PARTIES

6. Plaintiff, Mr. Azhar Sajawal, is a native and citizen of Pakistan, and a Legal Permanent Resident of the United States.
7. Defendant, Mr. Michael Bernard Mukasey, is sued in his official capacity as the Attorney General of the United States. In this capacity, he is responsible for the implementation and enforcement of the immigration laws and it is his delegation of authority to administer the immigration laws to USCIS that permit its officials to act under color of authority of the United States. See 8 U.S.C. § 1103. Furthermore, Mr. Mukasey, as the head of the Federal Bureau of Investigations has responsibility for providing access to criminal history record information pursuant to 8 U.S.C. § 1105(b), §1103(g).
8. Defendant, Mr. Michael Chertoff, is sued in his official capacity as the Secretary of DHS. In this capacity, he is responsible for the implementation, administration and enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002).
9. Defendant, Mr. Emilio T. Gonzalez, is sued in his official capacity as the Director of USCIS of DHS. In this capacity, he is generally charged with the administration of benefits governed by the Immigration and Nationality Act. 8 U.S.C. § 103(c). This suit is being brought against him in his official capacity.
10. Defendant, Ms. Andrea Quarantillo, is sued in her official capacity as the District Director of the New York District Office of USCIS. In this capacity, she is in charge of the district where Plaintiff's Application for Naturalization is now pending.

III. JURISDICTION

11. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, Federal Question Jurisdiction; 28 U.S.C. § 2201, the Declaratory Judgment Act; 5 U.S.C. § 702 and § 704, the Administrative Procedures Act; 28 U.S.C. § 1361, regarding an action to compel an officer of the United States to perform his duty; and 8 U.S.C. § 1447(b), which provides that a United States District Court may hold a hearing on a naturalization application when DHS has failed to determine the matter within 120 days of the date on which the naturalization examination was conducted.

IV. VENUE

12. Venue is proper under 28 U.S.C. § 1391(e), as amended, as it provides that in a civil action in which each defendant is an officer or employee of the United States or any agency thereof acting in his official capacity, or under color of legal authority, or any agency of the United States, the action may be brought in any judicial district in which a defendant in the action resides. Defendant, USCIS, is an agency which operates within this district, and Plaintiff resides in this district and no real property is involved in this action.

13. Plaintiff has exhausted its administrative remedies. Plaintiff has, over the past two years, on his own, through his U.S. Congress Representatives, and through the undersigned counsel, made numerous inquiries concerning the status of his Application for Naturalization, to no avail.

VI. FACTS

14. Plaintiff is a native and citizen of Pakistan, and a Legal Permanent Resident of the United States.
15. In or about July 2004, more than three years ago, Plaintiff filed an Application for Naturalization with USCIS. Plaintiff then received a receipt notice for his Application for Naturalization from the Vermont Service Center dated July 22, 2004. (See Exhibit 1, Receipt).
16. Plaintiff then received an appointment notice dated December 16, 2004 scheduling him for fingerprinting on January 13, 2005. (See Exhibit 2, Fingerprint Notification). Plaintiff was fingerprinted on that day.
17. Plaintiff then received an appointment notice dated April 22, 2005 scheduling him for a naturalization interview on July 26, 2005. (See Exhibit 3, Request for Applicant to Appear for Naturalization Initial Interview).
18. On July 26, 2005, Plaintiff was interviewed by Immigration Officer Aasen at USCIS, Garden City Office in New York and successfully passed the English language and the U.S. history and government tests. (See Ex. 4, Form N-652, Naturalization Interview Results. To this day, over two years after the interview, Plaintiff still awaits a decision on his Application.
19. Plaintiff has submitted numerous inquiries requesting status updates regarding his Application for Naturalization. On or about January 30, 2006, Plaintiff submitted an inquiry regarding the status of his pending Application for Naturalization. In response, Plaintiff then received a letter dated January 30, 2007 from USCIS, 26 Federal Plaza, New York, NY, advising him that his inquiry was referred to the Garden City office for a reply. (See Exhibit 5, Letter from USCIS-New York, NY). Then, on February 15, 2006, the USCIS office of Garden City, NY responded, informing Plaintiff that the security checks were pending. (See Exhibit 6, Letter from USCIS-Garden City, NY).
20. On April 25, 2006, Plaintiff sent a letter to the Congress of the United States, House of Representatives asking Congresswoman Carolyn B. Maloney to help him expedite his Application for Naturalization which had been pending. In his letter, Plaintiff explains to Congresswoman Maloney that he wanted to accept a job position with the New York Police Department, but was not able to do so because he had not received a decision on his Application for Naturalization. (See Exhibit 7, Letter to Congress).

21. On May 23, 2006, Congresswoman Maloney sent a letter to Ms. Linnea Stuart, Supervisory District Adjudications Officer, at USCIS, 26 Federal Plaza, New York, NY. In her letter Congresswoman Maloney requested that Plaintiff's Application receive "prompt review and every possible consideration." (See Exhibit 8, Letter from Congresswoman Maloney).
22. On or about June 2, 2007, Congresswoman Maloney received a response from USCIS stating that Plaintiff's case was "pending mandated agency checks." (See Exhibit 9, Inquiry Response).
23. On or about October 6, 2006, in response to an inquiry made by United States Senator Charles E. Schumer, USCIS once again advised that Plaintiff's case was "pending mandated agency checks." (See Exhibit 10, Inquiry Response).
24. On or about February 19, 2007, Plaintiff, through the undersigned counsel, sent a status inquiry letter to USCIS at Garden City, NY. The inquiry noted that Plaintiff's Application had been pending for more than a year and a half. (See Exhibit 11, Inquiry Letter). To this day, more than seven months have elapsed since the inquiry was sent, and USCIS has failed to reply- neither Plaintiffs nor counsel's office has received a response.
25. Defendants have unduly delayed or refused to adjudicate Plaintiff's Application for Naturalization. According to USCIS's web site, found at <https://egov.uscis.gov/cris/jsps/officeProcessTimes.jsp?selectedOffice=47>, as of September 15, 2007, the current processing time frame for an Application for Naturalization for the New York District office of USCIS is of seven months. Plaintiff's application was properly filed in July 2004, more than three years ago, and, therefore, its processing is significantly overdue. (See Exhibit 12, New York Processing Time Report).

VII. CLAIMS

26. The allegations contained in paragraphs 1 through 25 are repeated and re-alleged as though fully set forth herein.
27. Defendants have failed to adjudicate Plaintiff's Application for Naturalization for over 120 days since Plaintiff's naturalization examination, which was conducted on July 26, 2005. See 8 U.S.C. § 1447(b).
28. Defendants owe Plaintiff the non-discretionary duty to act upon his Application for Naturalization and have unreasonably and arbitrarily failed to perform that duty. See Independence Mining Co. v. Babbitt, 105 F.3d 502, 507 n. 6 (9th Cir. 1997) (explaining that the government has a general, non-discretionary duty to process applications).
29. Defendants, in violation of the Administrative Procedures Act, 5 U.S.C. §§ 555(b), 701 *et seq.*, are unlawfully withholding and unreasonably delaying action on Plaintiff Application for Naturalization and have failed to carry out the adjudicative functions delegated to them by law in Plaintiffs' case.

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30 This delay and refusal to adjudicate Plaintiff's Application for Naturalization has resulted in damage to Plaintiff as it deprives him of the benefits of becoming a U.S. Citizen, and the benefit of the peace of mind he is entitled to. This unreasonable delay has even deprived Plaintiff from securing a job position with the New York Police Department. (See Exhibit 13, NYPD Employment Requirements, listing U.S. Citizenship).

VIII. ATTORNEY'S FEES

31. As a result of Defendants' failure and refusal to abide by the Immigration and Nationality Act, Plaintiff has been required to incur the cost of litigation and reasonable attorney's fees in preparing this action for Writ of Mandamus to compel the Defendants to fulfill their duties. Therefore, Plaintiff seeks full recovery of all costs of litigation and reasonable attorney's fees incurred as a result of Defendants' wrongful conduct.

WHEREFORE, Plaintiff prays that the Court:

1. Assume jurisdiction over the case and naturalize the Plaintiff under the terms of 8 U.S.C. § 1447(b);

or

2. Compel Defendants and those acting under them to perform their duty to adjudicate the Application;

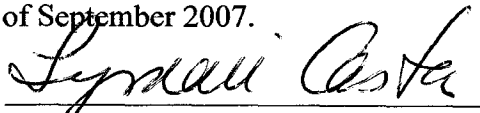
and

3. Grant such other and further relief as this Court deems proper under the circumstances;

and

4. Grant Attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act.

Respectfully submitted this 26th day of September 2007.



Lymari Casta, Esq.

Attorney Bar Code #: LC0905

33-04 30th Avenue, Suite One,

Astoria, NY 11103

Phone: 718-956-0080

E-mail: attorney.casta@hotmail.com

Attorney for Plaintiff

EXHIBIT

1

WHITE ORIENTED STORIES OF AMERICA

Receipt		NOTICE DATE July 22, 2004	
CASE TYPE N400 Application For Naturalization		EXAM A 046 964 867	
APPLICATION NUMBER ESC*001274036	RECEIVED DATE July 13, 2004	PRIORITY DATE July 13, 2004	PAGE 1 of 1

APPLICANT'S HOME AND MAILING ADDRESS AZHAR SAJAWAI c/o ANOTNIO MELONI IMMIGRATION ADVOCACY SERVICES 24 40 STEINWAY STREET ASTORIA NY 11103 cell: 609.888.0000	PAYMENT INFORMATION: Single Application Fee: \$390.00 Total Amount Received: \$390.00 Total Balance Due: \$0.00
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The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: November 13, 1979
 Address Where You Live: 19-06 81 STREET APT 2 FL
 EAST ELMHURST NY 11370

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-375-1833.

If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address: US IMMIGRATION AND NATURALIZATION SERVICE 75 LOWER WELDEN STREET ST ALBANS VT 05479	INS Customer Service Number: (800) 375-5283 REPRESENTATIVE COPY
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ESC001216212

1-RMB

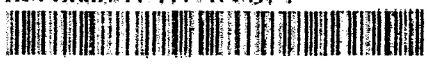
Document 1

Filed 09/27/20

EXHIBIT

2



Fingerprint Notification		NOTICE DATE December 16, 2004
CASE TYPE N400 Application For Naturalization		INS AR A 046 964 867
APPLICATION NUMBER ESC*001274036	RECEIVED DATE July 15, 2004	PRIORITY DATE July 15, 2004
APPLICANT NAME AND MAILING ADDRESS AZHAR SAJAWAL c/o ANOTNIO MELONI IMMIGRATION ADVOCACY SERVICES 24-40 STEINWAY STREET ASTORIA NY 11103		PAGE 1 of 1
<div style="float: right; width: 200px; height: 100px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></div> <p>To process your application, INS must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</p>		
APPLICATION SUPPORT CENTER INS QUEENS/JAMAICA 162-24 JAMAICA AVE. CORNER OF GUY R BREWER BLVD JAMAICA NY 11432		DATE AND TIME OF APPOINTMENT 07/15/2005 12:00 PM
<p>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</p> <ol style="list-style-type: none"> 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted. 		
<p>PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.</p>		
<p>REQUEST FOR RESCHEDULING</p>		
<p>Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon</p> <p>INS cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:</p> <p>INS QUEENS/JAMAICA 162-24 JAMAICA AVE CORNER OF GUY R BREWER BLVD JAMAICA NY 11432</p> <p>If you have any questions regarding this notice, please call 1-800-375-5283.</p>		
APPLICATION NUMBER ESC*001274036		<p>REPRESENTATIVE COPY</p> 
<p>WARNING!</p> <p>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</p>		

EXHIBIT

3



Request for Applicant to Appear for Naturalization Initial Interview			NOTICE DATE April 22, 2005
CASE TYPE N400 Application For Naturalization			ENS AS A 046 964 867
APPLICATION NUMBER ESC*001274036	RECEIVED DATE July 15, 2004	PRIORITY DATE July 15, 2004	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS
 AZHAR SAJAWAL
 c/o ANOTNIO MELONI
 IMMIGRATION ADVOCACY SERVICES
 24 40 STEINWAY STREET
 ASTORIA NY 11103

Please come to:
 CITIZENSHIP & IMMIGRATION SERVICE GC
 711 STEWART AVENUE 2ND FL
 USCIS - NATURALIZATION
 2ND FL.
 GARDEN CITY NY 11530
 On (Date): Tuesday, July 26, 2005
 At (Time): 10:25 AM

You are hereby notified to appear for an interview on your Application for Naturalization at the date, time, and place indicated above. Waiting room capacity is limited. Please do not arrive any earlier than 30 minutes before your scheduled appointment time. The proceeding will take about two hours. If for any reason you cannot keep this appointment, return this letter immediately to the ENS office address listed below with your explanation and a request for a new appointment; otherwise, no further action will be taken on your application.

If you are applying for citizenship for yourself, you will be tested on your knowledge of the government and history of the United States. You will also be tested on reading, writing, and speaking English, unless on the day you filed your application, you have been living in the United States for a total of at least 20 years as a lawful permanent resident and are over 50 years old, or you have been living in the United States for a total of 15 years as a lawful permanent resident and are over 55 years old, or unless you have a medically determinable disability (you must have filed form N645 Medical Certification for Disability Exception, with your N400 Application for Naturalization).

You MUST BRING the following with you to the interview:

- This letter.
- Your Alien Registration Card (green card).
- Any evidence of Selective Service Registration.
- Your passport and/or any other documents you used in connection with any entries into the United States.
- Those items noted below which are applicable to you:

If applying for NATURALIZATION AS THE SPOUSE of a United States Citizen:

- Your marriage certificate.
- Proof of death or divorce for each prior marriage of yourself or spouse.
- Your spouse's birth or naturalization certificate or certificate of citizenship.

If applying for NATURALIZATION as a member of the United States Armed Forces:

- Your discharge certificate, or form DD 214.

If copies of a document were submitted as evidence with your N400 application, the originals of those documents should be brought to the interview.

PLEASE keep this appointment, even if you do not have all the items indicated above.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

INS Office Address:
 US IMMIGRATION AND NATURALIZATION SERVICE
 USCIS 711 FLOOR ROOM 7-700
 26 FEDERAL PLAZA
 NEW YORK NY 10275

INS Customer Service Number:
 (800) 375-5283

REPRESENTATIVE COPY

EXHIBIT

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Azhar Sajawa

A#0 *46 964867*

On Tuesday, July 26, 2005, you were interviewed by INS Officer AASEN.

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☐ The Service has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak / _____ read _____ / write English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on the Form N-14.
- ☐ INS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your ☐ English ability / ☐ knowledge of U.S. History and Government. You will not be rescheduled for another interview for this N-400. INS will send you a written decision about your application.

A.) ☐ Congratulations! Your application has been recommended for approval. At the time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B.) ☒ A decision cannot yet be made about your application.

It is very important that you:

- ✓ Notify INS if you change your address.
- ✓ Come to any scheduled interview.
- ✓ Submit all requested documents.
- ✓ Send any questions about this application in writing to the officer named above. Include your full name, A-number, and a copy of this paper.
- ✓ Go to any oath ceremony that you are scheduled to attend.
- ✓ Notify INS as soon as possible in writing if you cannot come to any scheduled interview or oath ceremony. Include a copy of this paper and a copy of the scheduling notice.

☐ Wait for the Letter. Time: _____

☒ Do not wait for the Letter

You will be notified by mail. Time: *2:00*

EXHIBIT

5



United States Department of Homeland Security
U.S. Citizenship and Immigration Services
26 Federal Plaza, 7th Floor
New York, NY 10278

January 30, 2006

A# 46964867

Dear Applicant:

We are in receipt of your inquiry dated January 30, 2006 regarding the status of your pending Naturalization case.

We apologize for the delay in processing your application. I have referred your inquiry to Garden City for a reply. This process could take approximately 45-60 days.

Thank you in advance for your cooperation and patience in this matter.

Sincerely,

J Pabon
Immigration Information Officer
Citizenship and Immigration Services
New York District
www.uscis.gov

EXHIBIT

6

**U.S. Citizenship
and Immigration
Services**

February 15, 2006

Azhar Sajawal
19-14 81st Street
East Elmhurst, NY 11370

Re: N-400 Application for Naturalization

- Azhar Sajawal A 046 964 867

Dear Mr/Mrs. Sajawal:

Thank you, for your inquiry. Please be advised that your case is still pending required agency checks. Upon the receipt of a response to the Garden City Office, the case will be adjudicated accordingly.

We apologize for the inconvenience and appreciate your understanding and cooperation in this matter.

Sincerely,

Ruben Vargas, E.A.

Examinations Assistant
Garden City
Citizenship

EXHIBIT

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19-14 81st, 1st Floor
East Elmhurst, NY 11370

April 25, 2006

1651 3rd Avenue, 3rd Floor
New York, NY 10128-3679

RE: AZHAR SAJAWAL, A046964867

Dear Congresswoman Carolyn Maloney,

I am a constituent living in your district and a green card holder waiting to naturalize. I would like to accept a job with the NYPD and serve my city and country, but because I have not yet received my citizenship, I am prevented from doing so. I plead with you to do whatever is in your power to expedite my naturalization case.

My name is Azhar Sajawal. My A number is A046964867. I live at 19-14 81st St., 1st Fl. in East Elmhurst, Queens. My telephone number is (718) 757 7423. I am currently a student at Queens College.

I submitted my application for naturalization in July 15, 2004. The application receipt number is ESC*001274036, and have enclosed the Notice of Action. I last had fingerprints taken on January 13, 2005, and have enclosed a letter confirming this. Finally, I had my naturalization interview on July 26, 2005, and have enclosed the Interview Results.

The officer told me that I would just have to wait for security clearance, but it has been almost one year and I have not heard anything further from USCIS. I was not asked to submit any additional documents.

Please do not hesitate to call me with any further questions. I can also come visit your office in Astoria if you need any additional documents. I am grateful for your assistance and look forward to hearing from you soon.

Sincerely,

Azhar Sajawal

EXHIBIT

8



Congress of the United States

House of Representatives

Washington, DC 20515-3214

May 23, 2006

Ms. Linnea Stuart
Supervisory District Adjudications Officer
U.S. Citizenship And Immigration Services
Congressional Liaison Unit
26 Federal Plaza, Room 536
New York, NY 10278-0004

Re: Sajawal, Azhar
A# 046 964 867


Dear Ms. Stuart:

I am writing on behalf of Azhar Sajawal, who resides in the 14th Congressional District, which I represent. Mr. Sajawal contacted me regarding his application for naturalization.

As stated in the enclosed correspondence, Mr. Sajawal was interviewed for citizenship on July 26, 2005. He passed the tests of English and United States history and government, but his application is pending a security check. As nearly a year has passed since his interview and he has now been recruited for a position with the New York Police Department, a position he cannot accept without his naturalization papers, he is anxious to have his application processed as soon as possible.

At this time, I request that Mr. Sajawal's concerns receive prompt review and every possible consideration, consistent with all applicable rules and regulations. Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact Victor Montesinos in my district office at (212) 860-0606.

Sincerely,


CAROLYN B. MALONEY
Member of Congress

CBM/nc
cc: Azhar Sajawal

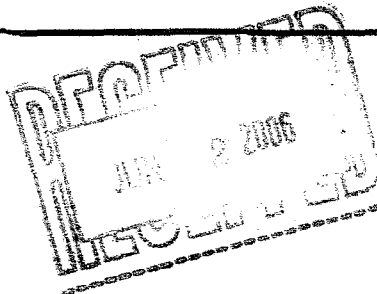
Please Reply To:
1651 Third Avenue, Suite 311
New York, NY 10128-3679

EXHIBIT

9

Congressional Unit

GIVE THIS YOUR IMMEDIATE ATTENTION !



File No: 46964867

Date : 5/26/2006

Ctrl : **06-7421**

In Re: Sajawal, Azhar

Information requested by : **MALONEY, CAROLYN**

1651 THIRD AVENUE SUITE 311 NEW YORK, NY 10128

☐ Attorney ☐ Congressional ☐ Consulate ☐ Other

Inquiry: ☐ Telephone ☐ By Letter ☐ Appeared in person

To: GCT

Information requested: **FOR REVIEW AND RESPONSE. DUE BY 6/25/2006**

Status of N-400. Congress member pushes for this case to be completed since the fingerprints has been pending since 7/2004 and applicant has been recruited for a position with the NYPD. Please advise.

Information furnished:

APPLICANT'S CASE WAS REVIEWED ON 6/1/06. THE CASE IS PENDING MANDATED AGENCY CHECKS. UPON RECEIPT OF A RESPONSE TO THE GARDEN CITY OFFICE, THE CASE WILL BE ADJUDICATED ACCORDINGLY.

Controls Cleared
Congressional Liaison Unit
Date: June 2, 2006

(Signature of Officer or Employee)

Approved by: _____

(Signature of Supervisor)

Location: _____

EXHIBIT

10

Congressional Unit

GIVE THIS YOUR IMMEDIATE ATTENTION !



File No: 46964867
Date : 8/18/2006
Ctrl : **06-10290**

In Re: **SAJAWAL, AZHAR**

Information requested by : **SCHUMER, CHARLES E.**
757 THIRD AVENUE SUITE 17-02 NEW YORK, NY 10017

☐ Attorney ☐ Congressional ☐ Consulate ☐ Other

Inquiry: ☐ Telephone ☐ By Letter ☐ Appeared in person

To: **GCT**

Information requested: **FOR REVIEW AND RESPONSE. DUE BY 9/17/2006**

STATUS OF N-400. NOTE CURRENT ADDRESS: 19-14 81 STREET, EAST ELMHURST NY 11370.

Information furnished:

PLEASE BE ADVISED THE APPLICANT'S CASE WAS REVIEWED ON 10/5/2006. THE CASE IS PENDING MANDATED AGENCY CHECKS. UPON RECEIPT OF A RESPONSE TO THE GARDEN CITY OFFICE, THE CASE WILL BE ADJUDICATED ACCORDINGLY.

Controls Cleared
Congressional Liaison Unit
date 10/6/06
(Signature of Officer or Employee)

Approved by: _____

(Signature of Supervisor)

Location: _____

EXHIBIT

11

LYMARI CASTA, Esq.
33-04 30th Avenue, Suite One
Astoria, NY 11103
Tel. 718-956-0080

COPY

(By 1st class mail)

February 19, 2007

US Department of Homeland Security
United States Citizenship and
Immigration Services
Naturalization Unit, 2nd Floor
711 Stewart Avenue
Garden City, NY 11530

Att: DAO Aasen

Re: **CHANGE OF ADDRESS & STATUS INQUIRY**

Applicant: **SAJAWAL, AZHAR**
A # 46 964 867

Dear Officer Sajawal:

I now represent the above individual, who previously applied on Form N-400 for Naturalization. Please find our duly executed Form G-28 on behalf of Mr. Sajawal attached herewith.

You interviewed Mr. Sajawal on July 26, 2005 regarding his N-400 application. More than one year and a half has passed and Mr. Sajawal has not received a decision on his application.

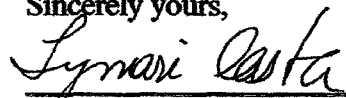
Please now find attached the following:

1. **Form G-28**
2. **Form AR-11**
3. **Copy of Interview Notice**
4. **Copy of Naturalization**

We respectfully ask you to review the above-mentioned case and issue a decision at your earliest convenience. Please do not hesitate to contact our office if you desire additional information.

Thank you for your anticipated cooperation and prompt attention to this matter.

Sincerely yours,


Lymari Casta, Esq.

EXHIBIT

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U.S. Citizenship and Immigration Services New York City NY Processing Dates Posted September 15, 2007

Notice: U.S. Citizenship and Immigration Services (USCIS) has improved the reporting procedure for processing times of immigration benefit applications. In the past, USCIS benefit processing reports indicated the specific type of applications or petitions that were being processed and the date the cases were received. However, the case was received did not provide a clear indication of when USCIS expected to complete the case, nor did it provide a clear indication of USCIS' commitment to process cases within a certain cycle time. It also did not align with the processing times and cycle times the agency reports in other contexts.

This improved reporting procedure is an effort to give our customers more accurate information that better reflects current processing time and USCIS service level commitments. Effective immediately, when we are completing applications and petitions within our service level goals we will report the USCIS service level commitment example, when our service level goal is to process a particular kind of case within six months, and if our processing time is six months or less, we will show "6 months".

When we are not meeting our service level goal, the date posted will reflect the filing date of cases that are being completed. It should be noted that while in some instances reported processing dates may appear to have regressed due to this change, they do not reflect a lengthening of USCIS processing times, but simply the change in reporting. Our goal is to provide accurate projections and thus give customers clear expectations as to what they can expect as a processing time.

There are several important exceptions to the processing times shown below:

- Case processing will be delayed if we must ask you for more evidence or information.
If we ask for missing required initial evidence, count the processing time from when we receive that missing evidence.
- The case processing timeframe will start over if a customer doesn't appear for an interview or asks that it be rescheduled.

What if I have a problem or have questions about a case?

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet –

Case Services - How do I... know what kind of services are available to me after I file my application or petition?

One additional point about these projections. They are the time to complete processing and mail the actual notice and/or document. If you check case status online and that your case has been approved, and you haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us. That is because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

District Office Processing Dates for **New York City NY** Posted September 15, 2007

Form	Form Name	Processing Timeframe:
I-131	Application for Travel Documents	3 Months
I-485	Application to Register Permanent Residence or Adjust Status	January 07, 2007
I-600	Petition to Classify Orphan as an Immediate Relative	June 08, 2007
I-600A	Application for Advance Processing of Orphan Petition	June 08, 2007
I-765	Application for Employment Authorization	11 Weeks
N-400	Application for Naturalization	7 Months
N-600	Application for Certification of Citizenship	June 06, 2007

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EXHIBIT

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Friday, September 28, 2007

Recruit Home

EXAM AND EMPLOYMENT REQUIREMENTS

Requirements to take the written examination:

Overview

Requirements

Apply

Benefits

Education

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FAQs

- Applicants must be at least 17½ years of age by the last day of filing of the exam they are applying for.
- Applicants must not have reached their 35th birthday on or before the first day of filing of the exam they are applying for.
- Those applicants who are 35 and over and have active United States military service may deduct up to six years from the age requirement.
- If by mail: Applications must be submitted/postmarked by the filing deadline of the exam they are applying for.

Requirements to be hired:

- Candidates must be at least 21 years of age on or before the day of hire.
- Candidates must be a United States citizen on or before the day of hire.
- On or before the day of hire, candidates must have successfully completed either:
 1. Sixty (60) college credits with a 2.0 G.P.A. from an accredited college or university, or
 2. Two (2) years of full-time, active military service in the United States Armed Forces with an honorable discharge and have a high school's diploma or its equivalent.
- Candidates must reside either within one of the five boroughs of New York City or one of the surrounding counties of New York City; Suffolk, Westchester, Orange, Rockland, Nassau or Putnam Counties on the day of hire.
- Candidates must possess a valid, unrestricted New York State Drivers License on the day of hire.
- Candidates must pay a \$75.00 fee for fingerprinting as part of the investigation process.
- Candidates must pass a drug/alcohol screening.
- Candidates must pass a character and background investigation.

The following factors are some of those which would be cause for disqualification:

- Any conviction of an offense which is punishable by one or more years imprisonment (felony).
- Any repeated convictions of an offense which indicate a disrespect for the law, a lack of good moral character or disposition towards violence and disorder.
- Discharge from employment, where such discharge indicates poor behavior and/or an inability adjusting to discipline.
- A Dishonorable discharge from the armed forces.
- Persons convicted of a petit larceny.
- Persons convicted of any domestic violence offense.
- Candidates must pass all medical, physical, written psychological and oral psychological examination:

NYPD is an Equal Opportunity Employer.